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Attorney's Docket No. 5800-8A (35800/185816)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Glucksmann *et al.* Group Art Unit: 1646
Appl No.: 09/383,745 Examiner: E. Wesley Lazar
Filed: August 26, 1999
For: 14926 Receptor, A Novel G-Protein Coupled Receptor

10/a
J.P.
6/25/01

June 8, 2001

Commissioner for Patents
Washington, DC 20231

RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Office Action dated May 8, 2001, in which the Examiner has required restriction between Group I, namely claim 1; Group II, namely claims 2 and 13; Group III, namely claims 3-7 and 16; Group IV, namely claims 8-12; Group V, namely claims 14-15; Group VI, namely claims 17-18; and Group VII, namely claims 19-22. Applicants hereby provisionally elect with traverse to prosecute the claims of Group VII (claims 19-22) and expressly reserves the right to file divisional applications or take such other appropriate measures deemed necessary to protect the inventions in the remaining claims.

Group VII is drawn to methods of modulating the activity of a polypeptide using a compound. It is submitted that the search required to determine the patentability of the methods of Group VII is essentially the same search that would be required for Group VI, drawn to methods for identifying an agent that bind to the polypeptide used in the methods of Group VII. 37 CFR §1.142 requires that the inventions be "independent and distinct." According to MPEP 802.01, "independent" requires that there is no disclosed relationship between the two or more subjects disclosed. The relationship of Groups VI and VII do not meet this standard. In fact, the polypeptide required in the methods of Groups VI and VII are identical. Therefore, it is requested that the Examiner reconsider and examine Groups VI and VII together.

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In the accompanying Preliminary Amendment, Applicant presents new claims 23-31. Applicant submits that as the new claims are directed to the methods of group VII and to methods for the identification of compounds used in the method of group VII, they are directed to the elected invention. Accordingly, Applicants wish to prosecute claims 17-19 and 21-31 in the present application.

Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned agent so that further examination of this application can be expedited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR §1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on June 8, 2001.

Nora C. Martinez

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